

### **Remarks/Arguments**

In the Final Office Action dated March 10, 2009, it is noted that: claims 1, 3-12, 14, and 15 are pending; claims 1, 3-12, 14, and 15 stand rejected; claims 2 and 13 have been cancelled; and claims 1 and 12 are independent.

The claims have not been amended in this response.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1, 3-6, 10-12, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tokunaga et al., EP 1079361 (hereinafter "Tokunaga"). This rejection is respectfully traversed.

Independent claim 1 recites, in part, the features of: "sensors for monitoring operating conditions of the display pixels including monitoring total charge data of the pixels." Emphasis added.

The Office Action dated August 21, 2008 admits that Tokunaga does not disclose monitoring total charge data and relied on Sundahl et al., US 2003/0071821 (hereinafter "Sundahl") as disclosing this feature. Applicant traversed this rejection in its response filed on November 14, 2008. In contrast to the prior Office Action, the Final Office Action alleges that Tokunaga discloses monitoring total charge data at [0029], [0030], Figs. 28 & 29, and controller MC. Applicant respectfully disagrees.

Tokunaga relates to a drive device for driving electroluminescent (EL) elements. The cited portions of Tokunaga teaches a stabilized voltage is applied to a plurality of EL elements connected in parallel, thereby eliminating the use of plural current sources, uniformizing the luminance values of the EL elements. A current detecting means 31 measures the value of a current flowing through a special organic EL element and outputs a current value signal varying with the current value detected. The current detecting means supplies current to the EL element.

However, the current detecting means 31 as disclosed in the cited portions of Tokunaga does not teach "monitoring total charge data of the pixels" as recited in claim 1. Measuring current flowing through the EL element as taught by Tokunaga is not the same as, or render obvious, applicant's claimed monitoring total charge data of pixels. Tokunaga does not teach or even suggest monitoring total charge data of pixels.

Because the cited references do not teach or suggest every claimed feature, it is respectfully submitted that the rejection of claim 1 is obviated and should be withdrawn.

Furthermore, independent claim 1 recites, in part, the features of:

"monitoring temperature data relating to the pixels; and

a controller coupled to receive data related to the operating conditions of the display pixels from the sensors for determining a brightness change of the pixels caused by the operating conditions, to generate a driving signal for driving the pixels in dependence on the total charge data and the temperature data."

MPEP 2142 states:

"rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 R.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1396 (2007) (quoting Federal Circuit statement with approval).

The Final Office Action admits that Tokunaga does not teach the aforementioned features as recited in claim 1 and alleges that they are taught by conventional art. However, the Office Action does not articulate reasoning with rational underpinning to support the legal conclusion of obviousness. Applicant respectfully submits that the Office Action's reliance on conventional art as teaching every aforementioned claimed feature is based on conclusory reasoning. As such, Applicant respectfully requests the withdrawal of this rejection.

Independent claim 12 includes similar features similar to claim 1. Applicant essentially repeats the above arguments for claim 1 and applies them to claim 12. The respective dependent claims include at least the above mentioned features in addition to further features in each claim. Accordingly, Applicant respectfully maintains that the rejection to independent claims 1 and 12 and all pending dependent claims are unfounded. Withdrawal of the rejection is respectfully requested.

Claims 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tokunaga in view of Cok et al, EP 1158483 (hereinafter "Cok").

Claims 7-9 ultimately depends from allowable claim 1. Cok does not cure the deficiencies of Tokunaga as noted above with respect to claim 1. As such, claims 7-9 are allowable at least by virtue of their dependence on an allowable base claim.

Withdrawal of the rejection of claims 1, 3-12, 14, and 15 is respectfully requested.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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